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TO AMEMBASSY QUITO IMMEDIATE

C O N F I D E N T I A L STATE 033046

E.O. 11652: GDS

TAGS: PFOR; EFIS; EC

SUBJECT: REPLY OF GOE TO US AIDES-MEMOIRE ON

TUNA BOAT SEIZURES

1. AMBASSADOR CARDENAS CALLED AFTERNOON OF FEBRUARY 13 ON ACTING SECRETARY INGERSOLL TO DELIVER GOE REPLIES TO OUR AIDE MEMOIRE OF JANUARY 31 CONCERNING CONFISCATION OF CATCH AND ANOTHER OF FEBRUARY 10 PROTESTING SHOOTING INCIDENT ON OCEAN QUEEN. FIRST IS, AS EXPECTED, RESTATEMENT OF LONG-STANDING GOE POSITION ON 200 MILES, WITH INSUBSTANTIAL LEGAL ELABORATIONS; SECOND LAMENTS FEBRUARY 10 SHOOTING EPISODE, EXPLAINS STEPS TAKEN TO PREVENT RECURRENCES AND ASKS USG HELP IN GETTING CREWS' COOPERATION WITH LOCAL AUTHORITIES. BOTH DOCUMENTS FOLLOW SEPTTEL.

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2. DURING INFORMAL INTERPRETATION OF AIDE-MEMOIRE ON CONFISCATION QUESTION, ACTING SECRETARY CHALLENGED ASSERTION THAT APPEARED TO CONSTRUE U.S. POSITION ON

CONTINENTAL SHELF AND OTHER COASTAL JURISDICTIONS AS "COMPARABLE" TO ECUADOR'S 200-MILE CLAIM. ROUGH TRANSLATION OF PASSAGE IN QUESTION: "GOE HAS PERMANENTLY EXPRESSED ITS DESIRE FOR AN UNDERSTANDING WITH THE U.S. SO THAT IT IS UNDERSTOOD THAT ESTABLISHMENT OF 200-MILES FOR TERRITORIAL SEAS IS COMPARABLE ("ESTA A MISMO NIVEL") TO THE PROCLAMATION OF U.S. SOVEREIGNTY

OVER THAT PART OF THE CONTINENTAL SHELF THAT CORRESPONDS TO IT OR OVER VARIOUS JURISDICTIONS ESTABLISHED IN COASTAL WATERS IN ORDER TO ACHIEVE VARIOUS OBJECTIVES DEEMED TO BE IN ITS INTERESTS (SIC)." ACTING SECRETARY ASKED FOR REREADING, THEN TOLD CARDENAS U.S. HAS NEVER MADE UNILATERAL CLAIM OF 200-MILE JURISDICTION ON SHELF OR ANYWHERE ELSE. CARDENAS SUGGESTED "COMPARABILITY" MAY BE IN SUBSTANCE, NOT IN DEGREE OF SPECIFIC DISTANCE.

3. AFTER NOTES READ, CARDENAS SAID FONOFF HAD INFORMED HIM BOATOWNERS' APPEAL ON CONFISCATION ISSUE PRESENTED NO RPT NO EVIDENCE TO SUSTAIN THESIS THAT PORTION OF CATCH TAKEN OUTSIDE GOE-CLAIMED WATERS, HENCE TRIBUNAL'S DECISION AGAINST BOATOWNERS. HE WENT ON TO RELATE THAT AUGUST FELANDO OF US TUNABOAT ASSN EARLY LAST WEEK CALLED ONE FABIAN GUIDO FLORES, ECUADORIAN LAWYER, TO REQUEST HIS ASSISTANCE IN DEFENDING BOATOWNERS IN THE CASE. FLORES TOLD FELANDO HE WOULD TAKE IT ON CARDENAS SAID, IF THERE WAS NO APPEAL OF CONFISCATION DECISION. FLORES WAS TOLD THAT FELANDO WOULD THINK IT OVER. LAST THURSDAY, AFTER APPEAL HAD ALREADY BEEN FILED AND THOSE INVOLVED HAD REASON TO SUSPECT IT WOULD BE REJECTED, FELANDO CALLED FLORES BACK ASKING TO TAKE THE CASE AND WAS TURNED DOWN, CARDENAS SAID.

4. ACTING SECRETARY, SAYING IT DIFFICULT TO UNDERSTAND HOW A NATTON CAN DECIDE WHAT ITS TERRITORIAL CLAIM IS TO BE WITHOUT INTERNATIONAL AGREEMENT TO SUPPORT CONFIDENTIAL

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THAT CLAIM, ASKED WHY ECUADOR CLAIMED ONLY 200 MILES AND NOT 400 OR 1,000 MILES. SUCH ARBITRARINESS, HE CONTINUED, IS WHAT HAS PRODUCED ARGUMENT BETWEEN OUR TWO COUNTRIES, E.G. THAT ECUADOR HAS UNILATERALLY DECIDED ON 200 MILES WITHOUT SANCTION OF INTERNATIONAL LAW.

5. CARDENAS, NOTING PERU, CHILE, OTHERS ALSO CLAIM 200 MILES, EXPLAINED 200-MILE RATIONALE AS MEANT TO PROTECT RICHES OF THE SEA AND TO PRESERVE TREASURED

MARINE RESOURCES.

6. ACTING SECRETARY EXPRESSED SKEPTICISM THAT CONSERVATION UNDERLAY THIS POSITION SINCE HE UNDERSTOOD ECUADOR HAD WITHDRAWN FROM REGIONAL EFFORT IN EASTERN PACIFIC TO CONSERVE TUNA RESOURCE. ON THIS POINT CARDENAS RESPONDED THAT WHALE ISSUE CAUSED ECUADOR TO WITHDRAW FROM IATTC BUT ALLOWED AS HOW THERE MAY HAVE BEEN OTHER QUESTIONS.

7. RE LOS AND DISCUSSIONS THEREIN ON 200-MILE ECONOMIC ZONE, ACTING SECRETARY REFERRED TO STATEMENT IN AIDE-MEMOIRE THAT ECUADOR RESERVES RIGHT TO ACCEPT AND RATIFY LOS CONVENTION ONLY IF IT IS COMPATIBLE WITH ECUADOR'S INTERESTS. HE SAID HE WAS DISAPPOINTED TO HEAR THAT GOE MAY NOT ACCEPT LOS CONSENSUS, SINCE ALL OUR EFFORTS TOWARD THIS END CAN COME TO NAUGHT. HE ASKED WHAT THE POINT OF THESE NEGOTIATIONS IS IF ECUADOR IS TAKING SUCH AN INFLEXIBLE STANCE AT THIS STAGE. IF YOU ARE SAYING YOU WILL NOT BE FLEXIBLE ON THESE ISSUES, HE ADDED, WE REALLY CANNOT TALK DIRECTLY ON THIS SUBJECT.

8. CARDENAS SAID LANGUAGE OF AIDE-MEMOIRE ON THIS POINT FORECLOSES NOTHING, AND WENT OFF RECORD TO MENTION BRIEFLY DOMESTIC POLITICAL PROBLEM "FLEXIBILITY" CAUSES ANY GOE. HE AGAIN REFERRED TO AUGUST FELANDO AND ABORTIVE TALKS GOE OFFICIALS HAD WITH HIM IN CARACAS LAST YEAR RE JOINT VENTURE AND OTHER ARRANGEMENTS THAT COULD CURE PROBLEM ONCE AND FOR ALL. THE "OTHER ARRANGEMENTS" COULD TAKE SEVERAL CONFIDENTIAL

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FORMS, HE SAID, BUT DID NOT ELABORATE.

9. MEETING ENDED WITH ACTING SECRETARY AND CARDENAS AGREEING PRESENT SITUATION AT SALINAS MUST BE RESOLVED AS QUICKLY AND HAPPILY AS POSSIBLE SO THERE COULD BE FURTHER EXCHANGES OF VIEWS ON SOLUTION TO BASIC PROBLEMS. ACTING SECRETARY EXPRESSED APPRECIATION FOR STEPS TAKEN BY GOE TO DEFUSE CHARGED ATMOSPHERE AT SALINAS, AND SAID DEPARTMENT HAD BEEN IN CLOSE CONTACT WITH INDUSTRY TO INSURE DETAINED CREWS ARE RESTRAINED FROM RASH ACTIONS. INGERSOLL

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